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|--|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/573,651   | 03/28/2006  | Masaya Sakai         | 288619US2PCT        | 5670             |
| 22850  | 7590        | 02/10/2009           |                     |                  |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| CHAN, KAWING   |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 2837   |             |                      |                     |                  |
| NOTIFICATION DATE  |             | DELIVERY MODE        |                     |                  |
| 02/10/2009   |             | ELECTRONIC           |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/573,651

**Applicant(s)**

SAKAI ET AL.

**Examiner**

Kawing Chan

**Art Unit**

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 and 11-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-850)
- Paper No(s)/Mail Date See Continuation Sheet

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :03/28/06, 04/18/07, 10/08/07 and 03/18/08.

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 1-5 and 10 in the reply filed on 12/03/08 is acknowledged.

Claims 6-9 and 11-13 are withdrawn.

Claims 1-5 and 10 are pending for examination.

***Information Disclosure Statement***

2. The information disclosure statements (IDS) submitted on 03/28/06, 04/18/07, 10/08/07 and 03/18/08 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by examiner.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanahashi et al. (US 4,629,035).

In Re claim 1, with reference to Figure 1, Tanahashi discloses an elevator controller comprising: a main control unit (20a) for controlling running of an elevator, wherein the main control unit predictively calculates a continuous temperature state (Eqn 4 projects the temperature rise of the rotor at any time point between 0 to t, which means it predicts the continuous temperature state of the rotor at any time between 0 to t) of a predetermined componential equipment (Eqn 5: temperature of the rotor) and performs an operation control of the elevator (control the instantaneous current for operating the elevator) based on the predicted temperature state such that the componential equipment does not become overloaded (Col 2 lines 27-41; Col 5 lines 10-23).

In Re claim 2, with reference to Figure 1, Tanahashi teaches the elevator controller further comprising:

- A thermal sensing device (15) that detects a temperature of the predetermined componential equipment (Col 2 line 63 to Col 3 line 2);
- Change amount input means (23) for inputting a predetermined change amount concerning the predetermined componential equipment (Eqn 4: temperature rise of the rotor  $\Delta\theta_v$ );
- Wherein the main control unit calculates a predicted value of a continuous temperature state of the componential equipment using the temperature detected by the thermal sensing device (15) and the change amount inputted by the change amount input means (23) (Eqn 5).

In Re claim 3, the predetermined change amount (temperature rise of the rotor) is a drive input amount (instantaneous current) (as shown in Eqns 1, 2, 5 and 6: temperature rise of the rotor is used to evaluate the secondary resistance  $R_2$  and is then used to evaluate the current for driving the motor) (Col 3 line 39 to Col 4 line 26) for driving the predetermined componential equipment (rotor and induction motor 5) (since the temperature of the rotor controls the voltage supplied to the motor; Col 1 line 55 to Col 2 line 24).

In Re claim 4, the predetermined componential equipment comprises a power drive unit (13, 14) that drives a motor (5) for causing a hoisting machine (7) to rotate in response to a command from the main control unit (20a) (Col 1 lines 15-54), and the drive input amount comprises a current value of the power drive unit (Col 3 line 39 to Col 4 line 26).

In Re claim 5, the predetermined change amount comprises a temperature rise amount of the predetermined componential equipment (Eqn 4: temperature rise of the rotor  $\Delta\theta_v$ ).

In Re claim 10, the change amount of the predetermined componential equipment comprises a time average (Col 4 lines 36-44). The temperature rise  $\Delta\theta_v$  is evaluated based on a thermal time constant  $T$ , and the time constant is subsequently evaluated by the number of revolutions of the motor (Eqns 8 and 9; Col 4 lines 36-60). Therefore, the time constant is calculated based on the number of revolutions measured in a period of time. Thus, the temperature rise represents the average temperature change in a period of time.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gottlieb et al., Watanabe and Kelly are further cited to show related teachings in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kawing Chan whose telephone number is (571)270-3909. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BENTSU RO/  
Primary Examiner, Art Unit 2837

Kawing Chan  
Examiner  
Art Unit 2837

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